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COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

**F I N A L M I N U T E S**

MEETING OF:

**STATE BOARD OF OPTOMETRY**

TIME: 9:02 A.M.

Board Room B  
One Penn Center  
2601 North Third Street  
Harrisburg, Pennsylvania 17110

Friday, February 1, 2018



1 \*\*\*

2 State Board of Optometry

3 February 1, 2018

4 \*\*\*

5 The regularly scheduled meeting of the State  
6 Board of Optometry was held on Thursday, February 1,  
7 2018.

8 \*\*\*

9 Official Call to Order

10 [Carl J. Urbanski, O.D., Chairman, called the meeting  
11 to order at 9:02 a.m.]

12 \*\*\*

13 Evacuation Announcement

14 [Elizabeth Wecker, Board Administrator, reviewed the  
15 emergency evacuation procedures for One Penn Center.]

16 \*\*\*

17 Audience Introduction

18 [Chairman Urbanski requested the introduction of the  
19 audience members in attendance.]

20 \*\*\*

21 Approval of Minutes

22 CHAIRMAN URBANSKI:

23 Has everyone had an opportunity to  
24 review the minutes from the prior  
25 meeting, November 2, 2017? Is there a

1 motion to approve the minutes?

2 DR. BECKER:

3 I'll make the motion.

4 MS. WASSON:

5 I'll second that motion.

6 CHAIRMAN URBANSKI:

7 Is there any discussion regarding the  
8 motion on the floor? Hearing none. We  
9 will move to a vote. All those in  
10 favor, signify by saying aye? Opposed?  
11 Abstentions?

12 [The motion carried. Dr. Kimberly F. Boyer and Dr.  
13 John A. Godfrey abstained from voting on the motion.]

14 \*\*\*

15 Report of Prosecutorial Division

16 [Katherine M. Delp, Esquire, Board Prosecutor,  
17 presented the Consent Agreement for File No. 16-52-  
18 05017.

19 Luanne Chubb, O.D., F.A.A.O, recused from the  
20 discussion on the matter. ]

21 \*\*\*

22 Report of Board Counsel

23 [Jacqueline A. Wolfgang, Esquire, Board Counsel,  
24 referred to the Case Status Report for the Board's  
25 information and review.

1 Ms. Wolfgang discussed proper procedures for  
2 Board members with respect to the Sunshine Act and  
3 Recusal Guidelines.]

4

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5 Appointment - Department of Human Services, CHIP

6 Provider Enrollment Presentation

7 [Peggy Slothower, Medical Services Analyst, Office of  
8 Children's Health Insurance Program, Department of  
9 Human Services introduced herself, Pat Harmon, and  
10 Judith deChamplain.

11 Ms. Slothower informed the Board that CHIP has  
12 provided healthcare to thousands of children for the  
13 past 25 years. Pennsylvania was the model used by the  
14 federal government for other states. Currently  
15 approximately 180,000 children are enrolled in CHIP.

16 Ms. Slothower discussed the Affordable Care Act.  
17 She noted the provision requiring all providers who  
18 render, order, refer, prescribe, or bill items for  
19 services to CHIP enrollees to be enrolled with the  
20 Department of Human Services by December 31, 2017.  
21 Ms. Slothower requested the Board's assistance with  
22 encouraging enrollment by all service locations.

23 Ms. Slothower reviewed the electronic enrollment  
24 options available at the website as well as paper  
25 applications. She explained the providers subjected

1 to a fee, such as rehabilitation facilities, home  
2 health agencies, hospices, pharmacies, medical  
3 suppliers, and transportation services. Ms. Slothower  
4 noted the provider enrollment hotline at 1-800-537-  
5 8862. She stated CHIP will be funded for another six  
6 years.

7 Ms. Slothower discussed Managed Care  
8 Organizations (MCOs) covering all 67 counties with  
9 10,000 service locations for vision providers.]

10 \*\*\*

11 [Chairman Urbanski requested a roll call of the  
12 members of the Board. A quorum was noted to be  
13 present.]

14 \*\*\*

15 Report of Board Chairman

16 [Chairman Urbanski welcomed new Board members,  
17 Dr. Boyer and Dr. Godfrey.

18 Chairman Urbanski discussed the Department of  
19 Health's request for a new medication Rhopressa  
20 (netarsudil) for treatment of glaucoma. He noted a  
21 letter, FDA approval, and supporting documents  
22 requesting approval from Dr. Levine.]

23 CHAIRMAN URBANSKI:

24 Is there a motion to send the letter to  
25 the Secretary of Health?

1 MS. WASSON:

2 I will make a motion to send a letter to  
3 the Secretary of Health that Attorney  
4 Wolfgang has drafted on approval of  
5 request.

6 CHAIRMAN URBANSKI:

7 Thank you, Ms. Wasson. Is there a  
8 second?

9 DR. BECKER:

10 Second.

11 CHAIRMAN URBANSKI:

12 Dr. Becker, thank you. Any discussion  
13 on the motion? Any questions about the  
14 letter? Any questions about the  
15 process? Hearing none. I'll call for a  
16 vote. All those in favor of sending the  
17 letter for Rhopressa to the Secretary of  
18 Health, signify by saying aye. Opposed?  
19 Any abstentions?

20 [The motion carried unanimously.]

21 \*\*\*

22 [Chairman Urbanski also discussed glaucoma medication  
23 called Vyzulta (latanoprostene bunod) from Bausch &  
24 Lomb. He then reviewed the approval process of new  
25 drugs and the actions of the Secretary of Health.

1 Chairman Urbanski referred to the current drug  
2 list posted on the Board's website. He noted the  
3 recent addition of cetirizine in 2017.

4 Ms. Wolfgang informed the Board that the drug  
5 list can be found on the Board's website and also the  
6 Department of Health publishes notices in the  
7 Pennsylvania Bulletin. She also noted that the  
8 Board's regulation had not been updated since 2002.

9 Ms. Wolfgang will review the listing of drugs on  
10 the Food and Drug Administration (FDA) website for  
11 current status and report back to the Board. She  
12 suggested directing individuals to the FDA link on the  
13 Board's website in order to answer questions on drugs.

14 Chairman Urbanski noted Senate Bill 780, which  
15 addresses telemedicine in Pennsylvania and the various  
16 uses of telemedicine for diagnoses. Mr. Ricci stated  
17 the Pennsylvania Optometric Association (POA) has been  
18 following this legislation at the request of the  
19 Board. He discussed the original language including  
20 an exclusion from the definition of telemedicine for  
21 online refractive services.

22 Mr. Ricci also discussed POA concerns regarding  
23 patients being misled with online exams. He reviewed  
24 deficiencies with the online exam process. Mr. Ricci  
25 discussed the removal of the exclusion as advocated by

1 the online refraction industry. Language was added to  
2 require all online purveyors to provide clear notice  
3 that their service did not include an ocular health  
4 examination. Online refraction services are now  
5 considered to be telemedicine services and fall within  
6 the provisions of the Telemedicine Act. Also an  
7 online refraction service issuing a prescription must  
8 be a Pennsylvania licensee, which now declares  
9 oversight authority to this Board and any other Board  
10 responsible for ocular health.

11 Mr. Ricci also stated the bill specifically  
12 mandates that every provider must obtain the consent  
13 of the patient before performing the online  
14 refraction, as well as authorizes all Boards in the  
15 Commonwealth to create and implement regulations  
16 related to ocular health and telemedicine.

17 Mr. Ricci explained the process to move the bill  
18 for final vote.

19 Chairman Urbanski expressed appreciation on  
20 behalf of the Board, the profession, as well as  
21 protecting consumers of Pennsylvania, to the state  
22 association and national association supporting the  
23 advocacy proponent to monitor legislation in other  
24 states.

25 Chairman Urbanski noted similar discussion at

1 last year's ARBO Meeting. Chairman Urbanski welcomed  
2 Board concerns regarding online refractive technology,  
3 including telehealth and telemedicine, in light of the  
4 consumer protection added to the bill.

5 The Board discussed amended language to Senate  
6 Bill 780.

7 Chairman Urbanski discussed the American  
8 Optometric Association's position regarding Opioid  
9 Prescribing Guidelines, which is to defer to the  
10 Centers for Disease Control (CDC) Guideline.

11 Ms. Wolfgang noted that the Secretary of Health  
12 indicated the Board could request specific optometry-  
13 related guidelines. Ms. Wolfgang requested the Board  
14 to review and vote on the pediatric guideline.]

15 DR. CHUBB:

16 I make a motion that the guideline for  
17 the pediatric recommendation be added as  
18 a link to our website.

19 CHAIRMAN URBANSKI:

20 Thank you, Dr. Chubb. Is there a  
21 second?

22 DR. BOYER:

23 Second.

24 CHAIRMAN URBANSKI:

25 Dr. Boyer, thank you. Any discussion on

1 the motion? Hearing none. I call a  
2 vote. All those in favor of adding this  
3 guideline to our Board of Optometry  
4 website, signify by saying aye?  
5 Opposed? Any abstentions?

6 [The motion carried unanimously.]

7 \*\*\*

8 [Chairman Urbanski noted the Policy Guideline from the  
9 American Optometric Association as well as the CDC  
10 Summary of the Opioid Prescribing Guidelines.]

11 Chairman Urbanski also discussed mandated  
12 education for prescribing opioids. He stated the  
13 Pennsylvania Medical Society has a free online course  
14 available to all healthcare practitioners. Chairman  
15 Urbanski also noted the POA spring meeting at Seven  
16 Springs for opioid education.

17 Chairman Urbanski suggested publishing a  
18 newsletter on education requirements and courses.]

19 \*\*\*

20 Report of Regulatory Counsel

21 [Jacqueline A. Wolfgang, Esquire, Board Counsel,  
22 reviewed the status of pending regulations.]

23 Ms. Wolfgang updated the Board on the general  
24 revisions package. She noted working with the  
25 Governor's Policy Office with respect to the

1 definition of contact lenses.

2 Mr. Ricci informed the Board that POA has  
3 convened a task force to conduct a regulatory review  
4 and provide an update.]

5 \*\*\*

6 Report of Board Administrator

7 [Elizabeth Wecker, Board Administrator, noted updates  
8 to the Board's website, including the updated drug  
9 list in November and the addition of the Emergency  
10 Department Pain Treatment Guidelines and OB/GYN Pain  
11 Treatment Guidelines.

12 Ms. Wecker updated the Board on the tabled  
13 applicants. She stated the applicants took the  
14 Northeast Regional Clinical Optometric Assessment  
15 Testing Service (NERCOATS) exam in New York, which was  
16 determined to be equivalent to the Board's clinical  
17 exam, so their applications were processed.]

18 \*\*\*

19 New Business

20 [Chairman Urbanski noted newsletter topics to include  
21 CHIP, opioid and child abuse CE, as well as the  
22 introduction of our two new Board members and any  
23 other appointed Board members since the last  
24 newsletter.]

25 \*\*\*

1 Old Business

2 [The Board reviewed the 100-hour ocular therapeutic  
3 course licensure requirement for optometrists  
4 returning to Pennsylvania.]

5 \*\*\*

6 [The Board recessed from 10:35 a.m. until 10:47 a.m.]

7 \*\*\*

8 Optometry Budget Review Presentation

9 [Julie Snader, Deputy Director, Bureau of Finance and  
10 Operations, introduced herself and Kimberly A. Mattis,  
11 Director.]

12 Ms. Snader provided information on the Board's  
13 licensee population, which is currently at 2,803 with  
14 a slight increase for Fiscal Year 2017-2018.

15 Ms. Snader noted that renewals and applications  
16 make up 98 percent of the revenue. She referred to  
17 Fiscal Year 2015-2016 and 2016-2017. She stated the  
18 last fee increase was in 1988.

19 Ms. Snader explained that expenses are incurred  
20 from direct costs, timesheet costs, and license-based  
21 charges. She also reviewed expenses for Fiscal Year  
22 2015-2016, Fiscal Year 2016-2017, and Fiscal Year  
23 2017-2018. Ms. Snader discussed revenue, expenses and  
24 anticipated balance at the end of Fiscal Year  
25 2017-2018.

1 Ms. Snader also reviewed Board member expenses  
2 for Fiscal Year 2015-2016, Fiscal Year 2016-2017, and  
3 Fiscal Year 2017-2018 budgeted amount, noting that  
4 expenses for Fiscal Year 2017-2018 were under budget.  
5 The travel ban was also discussed.]

6

\*\*\*

7 New Business

8 [Chairman Urbanski noted the next Association of  
9 Regulatory Boards of Optometry (ARBO) Meeting is  
10 June 17-19, 2018, at Denver, Colorado.]

11 CHAIRMAN URBANSKI:

12 I would entertain a motion that we could  
13 submit to send two Board members to the  
14 ARBO Meeting in Denver, Colorado for  
15 2018. Would someone make a motion?

16 DR. BECKER:

17 I'll make the motion.

18 CHAIRMAN URBANSKI:

19 Dr. Becker, thank you.

20 MS. WASSON:

21 I'll second.

22 CHAIRMAN URBANSKI:

23 Second, Ms. Wasson, thank you. Any  
24 questions about the ARBO?

25 [The Board discussed travel restrictions.]

1 Any other discussion on the motion to  
2 send two of our Board members to the  
3 ARBO Meeting? Hearing none. I'd like  
4 to call for a vote. All those in favor,  
5 signify by saying aye? Opposed? Any  
6 abstentions?

7 [The motion carried unanimously.]

8 \*\*\*

9 Miscellaneous

10 Proposed 2019 Meeting Dates

11 [Elizabeth Wecker, Board Administrator, noted the  
12 remaining dates for 2018 as May 24, August 16, and  
13 November 1. The Board reviewed the proposed meeting  
14 dates for 2019, which are February 7, May 2, August  
15 22, and November 7.]

16 \*\*\*

17 Committee Assignments

18 [Chairman Urbanski reviewed the committee assignments.  
19 He also discussed the Probable Cause Committee, the  
20 Regulations Committee, and Continuing Education  
21 Committee.]

22 The Board discussed the Council on Optometric  
23 Practitioner Education (COPE)-approved courses, open-  
24 ended courses, and surgical observation courses.]

25 \*\*\*

1 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
2 11:18 a.m. the Board entered into Executive Session  
3 with Jacqueline A. Wolfgang, Esquire, for the purpose  
4 of conducting quasi-judicial deliberations. The Board  
5 returned to open session at 11:42 a.m.]

6

\*\*\*

7 MOTIONS

8 MS. WOLFGANG:

9 Pursuant to Section 708(a)(5) of the  
10 Sunshine Act, the Board entered into  
11 Executive Session with Board Counsel to  
12 have attorney-client consultations and  
13 for the purpose of conducting  
14 quasi-judicial deliberations regarding  
15 the Consent Agreement at No. 2 of the  
16 agenda, File No. 16-52-0517.

17 I would note for the record that  
18 Dr. Luanne Chubb has recused from this  
19 matter. I believe the Board would  
20 entertain a motion at this time.

21 CHAIRMAN URBANSKI:

22 Do we have a motion on the Consent  
23 Agreement?

24 MS. WASSON:

25 I'll make a motion that we accept the

1 Consent Agreement as presented, File No.  
2 16-52-05017.

3 CHAIRMAN URBANSKI:

4 Thank you. Is there a second?

5 DR. GODFREY:

6 Second.

7 CHAIRMAN URBANSKI:

8 Second, Dr. Godfrey. Any discussion?  
9 Hearing none. All those in favor of  
10 accepting the motion, signify by saying  
11 aye? Opposed? Any abstentions?

12 [The motion carried. Dr. Luanne Chubb recused from  
13 deliberations and voting on the motion.]

14 \*\*\*

15 Adjournment

16 CHAIRMAN URBANSKI:

17 Is there any other business before the  
18 Board? Hearing none. Is there a motion  
19 to adjourn?

20 MS. WASSON:

21 I will make a motion to adjourn.

22 CHAIRMAN URBANSKI:

23 And a second?

24 DR. GODFREY:

25 Second.



STATE BOARD OF OPTOMETRY  
REFERENCE INDEX  
February 1, 2018

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| 5  |       |                                       |
| 6  |       |                                       |
| 7  | 9:02  | Official Call to Order                |
| 8  |       |                                       |
| 9  | 9:03  | Introduction of Audience Members      |
| 10 |       |                                       |
| 11 | 9:03  | Approval of Minutes                   |
| 12 |       |                                       |
| 13 | 9:04  | Report of Prosecutorial Division      |
| 14 |       |                                       |
| 15 | 9:08  | Report of Board Counsel               |
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| 17 | 9:14  | Appointment - CHIP Presentation       |
| 18 |       |                                       |
| 19 | 9:27  | Roll Call                             |
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| 21 | 9:28  | Report of Board Chair                 |
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| 23 | 10:22 | Report of Regulatory Counsel          |
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| 25 | 10:24 | Report of Board Administrator         |
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| 27 | 10:25 | New Business                          |
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| 29 | 10:33 | Old Business                          |
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| 31 | 10:35 | Recess                                |
| 32 | 10:47 | Return to Open Session                |
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| 34 | 10:48 | Appointment - Optometry Budget Review |
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| 37 | 11:06 | Miscellaneous                         |
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| 39 | 11:18 | Executive Session                     |
| 40 | 11:42 | Return to Open Session                |
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| 42 | 11:43 | Motions                               |
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| 44 | 11:45 | Adjournment                           |
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